

## ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** J. Zaffino, Chief Administrative Officer  
**DATE:** January 18, 2024  
**RE:** Temporary Use Permit Application – Electoral Area “D” (D2023.033-TUP)

---

### Administrative Recommendation

**THAT Temporary Use Permit No. D2023.033-TUP, to reissue an existing permit for a tourist accommodation use comprising three tourist cabins be denied.**

---

Legal: Lot A, Plan KAP91212, District Lot 2710, SDYD Folio: D-06788.442

OCP: Large Holdings (LH) Zone: Large Holdings One Site Specific (LH1s)

---

### Proposed Development:

This application is seeking to reissue an existing temporary use permit for a tourist accommodation use comprising three “tourist cabins” on the subject property through the issuance of a Temporary Use Permit (TUP) for an additional three-year term.

In support of this proposal, the applicant has stated that:

- *The purpose of this application is to authorize the use of three small seasonal cabins in our bed and breakfast operation.*
- *There are 3 cabins on the property which were constructed in 2014 to be places of relaxation and nature viewing. They were also constructed as an alternative to tents for friends who were visiting... After construction, we became aware of Airbnb and began to rent them for overnight stays for guests who wanted to come and share our home.*
- *Guests are able to stay in our home, use the bathroom and cooking facilities in the house but they sleep outside, in nature, in these very small buildings that are 10 sqm or less. We provide an unplugged experience as there is no electricity, no plumbing and no internet in the cabins ... It has been an interesting experiment and our guests love it.*
- *We have operated for three years with no complaints whatsoever and we would like to continue to share our home in this way. It has been our finding that our guests are respectful, pleasant and quiet.*

### Site Context:

The subject property is approximately 4.5 ha in area and is situated on the south side of Carmi Road. It is understood that the parcel is comprised of a single detached dwelling and three accessory buildings.

The surrounding pattern of development is generally characterised by residential development on large parcels that contain environmentally sensitive areas and steep slopes.

---

---

## **Background:**

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on August 12, 2010, while available Regional District records indicate that building permits for a single detached dwelling (2007), alterations to the single detached dwelling (2009, 2012) and three guest cabins (2020).

In 2019 a previous Temporary Use permit was issued for the subject property to allow a modified “bed and breakfast” use occurring in three accessory buildings. This permit was subsequently renewed for an additional three (3) years in 2021.

## Official Community Plan

Under the Electoral Area “D” Official Community Plan (OCP) Bylaw No. 2603, 2013, the subject property is designated as Large Holdings, is subject to Hillside and Steep Slope Development Permit (HSSDP) and Environmentally Sensitive Development Permit (ESDP) Area designations. It is also identified as a moderate wildfire hazard area and is not within a Fire Service Area.

Section 23.2.4 of Electoral Area “D” OCP Bylaw establishes the following criteria in evaluating a Temporary Use Permit application:

- The use must be clearly temporary or seasonal in nature;
- Compatibility of the proposal with adjacent uses;
- Impact of the proposed uses on the natural environment, including groundwater, wildlife, and all environmentally sensitive areas;
- Intensity of the proposed use;
- Opportunity to conduct the proposed use on land elsewhere in the community; and
- The remedial measures to be carried out to mitigate any damage to the natural environment as result of the temporary use.

While the Electoral Area “D” OCP includes policies speaking to the ongoing re-issuance of temporary use permits for vacation rental uses, these policies do not extend to temporary use permit applications for any other type of use.

## Zoning Bylaw

Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Large Holdings One Site Specific (LH1s) which permits single detached dwelling as a principal use and bed and breakfast as a secondary use.

The previous temporary use permit issued in 2019 referred to this use as a modified “bed and breakfast” as defined by the Electoral Area “D” Zoning Bylaw No. 2455, 2008, in recognition that the resident of the principal dwelling is present on-site, that paying guests are permitted to stay in the principal dwelling, and that patrons are provided access to bathroom and kitchen facilities in the principal dwelling. The temporary use permit was required because bed and breakfast uses are required to occur exclusively within a principal dwelling.

Under the Okanagan Valley Zoning Bylaw No. 2800, 2022 this type of use is more accurately described as a “tourist cabin” use, which is defined as “a detached building containing a maximum of one sleeping unit used exclusively for tourist accommodation, and may include washroom facilities.”

---

Despite this clarification, the proposed temporary use has not changed materially from the original proposal in 2019. BC Assessment has classified the property as “Residential” (Class 01).

**Public Process:**

Adjacent property owners will have received notification of this application with written comments being accepted up until one (1) week prior to the Board’s regular meeting at which the application is to be considered. All comments received are included as a separate item on the Board’s Agenda.

**Analysis:**

In considering this proposal, Administration notes that the Electoral Area “D” Official Community Plan does not include polices that support the ongoing reissuance of temporary use permits for this type of use.

While the OCP does contain policies supporting the ongoing reissuance of temporary use permits for vacation rental uses, this application cannot benefit from those policies as it is proposing the provision of short-term tourist accommodation in accessory buildings.

In such cases, OCP policies generally direct that the use either be discontinued or the property be re-zoned to reflect the permanent nature of the use.

Administration notes that Zoning Bylaw regulations restricting commercial operations like “bed and breakfast” or “tourist cabin” uses are intended to ensure that intrusive or intensive tourist accommodation operations are not introduced into residential neighbourhoods.

Alternative

Conversely, Administration recognises that the use generally satisfies the OCP TUP evaluation criteria because it is seasonal in nature, is small-scale and does not impact the natural environment.

Administration further notes that the proposed use has been operating seasonally since 2019 without bylaw enforcement complaints from neighbouring properties, which may indicate that the use is not excessively intrusive or intensive for the area.

Summary

In summary, the Area “D” OCP does not support re-issuance of temporary use permits for this type of use and for this reason staff are recommending that the proposal be denied.

**Alternatives:**

1. THAT the Board of Directors approve Temporary Use Permit No. D2023.033-TUP.

**Respectfully submitted:**

*Ben Kent*

Ben Kent, Planner II

**Endorsed By:**



C. Garrish, Senior Manager of Planning

Attachments:

- No. 1 – Agency Referral List
- No. 2 – Applicant’s Photos
- No. 3 – Site Photo
- No. 4 – Aerial Photo

Attachment No. 1 – Agency Referral List

Referrals have been sent to the following agencies as highlighted with a , prior to the Board considering adoption of Temporary Use Permit No. D2023.033-TUP.

<input checked="" type="checkbox"/>	Agricultural Land Commission (ALC)	<input checked="" type="checkbox"/>	Fortis
<input type="checkbox"/>	Interior Health Authority (IHA)	<input type="checkbox"/>	City of Penticton
<input type="checkbox"/>	Ministry of Agriculture	<input type="checkbox"/>	District of Summerland
<input type="checkbox"/>	Ministry of Energy, Mines & Petroleum Resources	<input type="checkbox"/>	Town of Oliver
<input type="checkbox"/>	Ministry of Municipal Affairs & Housing	<input type="checkbox"/>	Town of Osoyoos
<input type="checkbox"/>	Ministry of Forest, Lands, Natural Resource Operations & Rural Development (Ecosystem Section)	<input type="checkbox"/>	Town of Princeton
<input type="checkbox"/>	Ministry of Forest, Lands, Natural Resource Operations & Rural Development (Archaeology Branch)	<input type="checkbox"/>	Village of Keremeos
<input type="checkbox"/>	Ministry of Jobs, Trade & Technology	<input type="checkbox"/>	Okanagan Nation Alliance (ONA)
<input type="checkbox"/>	Ministry of Transportation and Infrastructure	<input type="checkbox"/>	Penticton Indian Band (PIB)
<input type="checkbox"/>	Integrated Land Management Bureau	<input type="checkbox"/>	Osoyoos Indian Band (OIB)
<input type="checkbox"/>	BC Parks	<input type="checkbox"/>	Upper Similkameen Indian Band (USIB)
<input type="checkbox"/>	School District #53 (Areas A, B, C, D & G)	<input type="checkbox"/>	Lower Similkameen Indian Band (LSIB)
<input type="checkbox"/>	School District #58 (Area H)	<input type="checkbox"/>	Environment Canada
<input type="checkbox"/>	School District #67 (Areas D, E, F, I)	<input type="checkbox"/>	Fisheries and Oceans Canada
<input type="checkbox"/>	Central Okanagan Regional District	<input type="checkbox"/>	Canadian Wildlife Services
<input type="checkbox"/>	Kootenay Boundary Regional District	<input type="checkbox"/>	OK Falls Irrigation District
<input type="checkbox"/>	Thompson Nicola Regional District	<input type="checkbox"/>	Kaleden Irrigation District
<input type="checkbox"/>	Fraser Valley Regional District	<input type="checkbox"/>	Irrigation District / improvement Districts / etc.
<input type="checkbox"/>	Volunteer Fire Department	<input type="checkbox"/>	

Attachment No. 2 – Applicant’s Photos



CABIN 1



CABIN 2



Cabin 3 THE SHIRE CABIN





Attachment No. 3 – Site Photo





Attachment No. 4 – Aerial Photo

